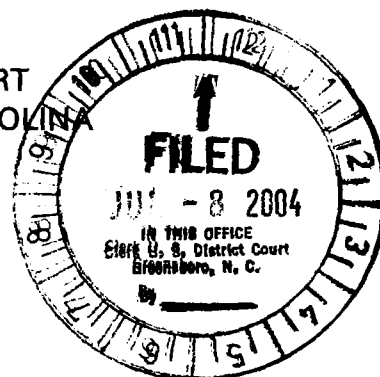


126.

IN THE UNITED STATES DISTRICT COURT  
FOR THE MIDDLE DISTRICT OF NORTH CAROLINA



ABD ASSOCIATES LIMITED )  
PARTNERSHIP, a North Carolina Limited )  
Partnership, )

Plaintiff, )

v. )

THE AMERICAN TOBACCO COMPANY, )  
a Delaware corporation, and AMERICAN )  
BRANDS, INC., a Delaware corporation )

Defendants. )

1:91CV415

ORDER

For the reasons stated in a contemporaneously filed Memorandum Opinion, both Capitol Broadcasting Company's<sup>1</sup> Motion for Leave to File Supplemental Affidavits [Doc. #115] and its Motion to Strike Portions of the Reply Brief in support of Brown & Williamson Tobacco Company's<sup>2</sup> Motion to Enforce the Settlement and Escrow Agreements [Doc. #119] are DENIED.

While conclusions of law regarding Brown & Williamson's Motion to Enforce the Settlement and Escrow Agreements [Doc. #107] are provided in the Memorandum Opinion, a hearing will be set to address the portion of Brown & Williamson's Motion not resolved by the Opinion. Therefore, Capitol's Motion for a

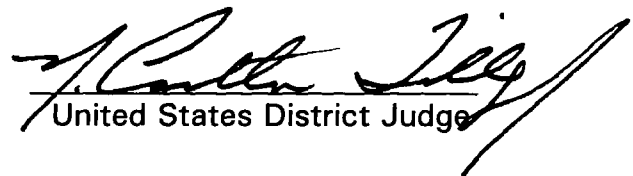
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<sup>1</sup>Capitol Broadcasting Company, Inc. is a successor-in-interest to Plaintiff ABD Associates Limited Partnership.

<sup>2</sup>Brown & Williamson Tobacco Company is the successor-in-interest to Defendants American Tobacco Company and American Brands, Inc.

Status Conference [Doc. #116] is DENIED with respect to the issues addressed in the Opinion, but GRANTED with respect to remaining issues.

This the 8<sup>th</sup> day of July, 2004.

  
United States District Judge